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March 29, 2019

**VIA U.S. MAIL**

Regional Freedom of Information Officer  
U.S. EPA, Region 9  
75 Hawthorne Street (OPA-2)  
San Francisco, CA 94105  
(415) 947-4251

**Re: Request for Information Pursuant to the Freedom of Information Act**

Dear Regional Freedom of Information Officer:

Please accept this request for "Records" and "Communications" as defined below, relating to the City of Oakland and specifically including the City of Oakland, a Municipal Corporation, acting by and through its Board of Port Commissioners (the "Port of Oakland"). As used below, "City of Oakland, including but not limited to the Port of Oakland" means the City of Oakland and all of its boards, agencies, employees and agents, specifically including but not limited to the Port of Oakland.

By way of background, the United States Environmental Protection Agency's ("EPA") External Civil Rights Compliance Office ("ECRCO"), by letter dated on or about July 18, 2017, accepted a complaint dated April 4, 2017, brought by Earthjustice on behalf of the West Oakland Environmental Indicators Project (the "Earthjustice Complaint") under Title VI and EPA regulations, that alleged discrimination based on race, color, and national origin in violation of Title VI. The Earthjustice Complaint alleges, among other things, that West Oakland has suffered from high levels of diesel particulate matter emissions for decades from the Port of Oakland and other sources.

Specifically, and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the undersigned hereby request any and all:

- 1) Records or Communications relating to diesel particulate matter emissions or other air pollutant emissions at or around the Port of Oakland, specifically excluding Records or Communications related to the investigations associated with EPA File Nos. 13R-17-R9 & 14R-17-R9.

"Communications" as used herein, shall mean any Record, document, oral statement, meeting, or conference, formal or informal, at any time or place, and under any circumstances

whatsoever, whereby information of any nature was stated, written, recorded, or in any manner transmitted or transferred.

"Records," as used herein, means: any materials created or obtained by the EPA and/or ECRCO and under its control including, but not limited to, any handwritten, typewritten, printed, filmed, tape-recorded, or otherwise recorded matter of whatever character, whether unproduced, produced, reproduced, or on paper, card stock, tape, film, compact disc, DVD, audio cassette, electronic facsimile, computer storage device, cellular or mobile phone, or any other media, including, but not limited to, letters, memoranda, notes, records, reports, correspondence, e-mails, text messages, contracts, leases, telephone logs or records, diaries, journals, appointment calendars, day planners, bulletins, test results, notices, receipts, invoices, check stubs, deposit slips, promissory notes, studies, charts, graphs, photographs, statements, notebooks, orders, notices of violation, directives, findings of violation, handwritten notes, job descriptions, applications, resumes, agreements, reports of experts, books, ledgers, logs, pamphlets, periodicals, summaries, recording of oral conversations, and work papers, and also including, but not limited to, original and all copies which are different in any way from the originals, whether by interlineations, receipt stamp, notation, indication of copies sent or received or otherwise, and drafts, which are in your possession, custody, or control.

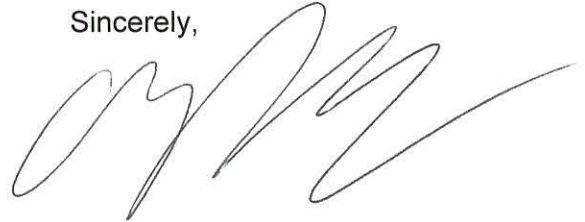
"Relate to" or "relating to" as used herein means: referring, relating to, mentioning, regarding, or in any way involving or connected with.

The above requests are not meant to be exclusive of any other "Records" that, although not specifically requested, have a reasonable relationship to the subject matter of this request. If you or your office, have destroyed or decide to withhold any documents that could be reasonably construed to be responsive to this request, we ask that you indicate this fact and the reasons therefore in your response. The time frame for the Records searched should be from 2000 to date.

Please supply this information if fees do not exceed \$750, which we agree to pay. Please notify us if fees exceed \$750, or if you deny any part of our request. If you do deny any part of our request, please specifically cite which exemption you rely on, and notify us of the appropriate appeals process.

If access to the records I am requesting will take longer than a reasonable amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

Sincerely,

A handwritten signature in black ink, appearing to be "RJ Pratt", written in a cursive style.

Richard J. Pratt  
Anthony J. Biraglia